



RESTRICTED TENDER NOTICE

PURCHASE OF OXYGEN PRESSURE REGULATORS

Amref Health Africa in Kenya

TENDER NO. AMREF 29/09/2021/016-01

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PART A: TECHNICAL REQUIREMENTS

SECTION 1: Invitation to Tender

1. Amref Health Africa invites sealed bids from eligible candidates for supply and delivery of oxygen pressure regulators complete with flow meters and humidifiers as specified in this tender document.
2. Interested eligible bidders may obtain further information from the **Amref Health Africa website** www.amref.org
3. Complete sets of tender documents can be downloaded from Amref Health Africa website; <http://amref.org/ways-to-give/tenders/> by interested bidders upon payment of non-refundable fee of Ksh.2,000. The payment should be made through the following Bank account(s): **Kenya Commercial Bank, Kipande House Branch, Account No: 1111429243 OR National Bank of Kenya, Wilson Branch, Account No: 01020058235400.**
4. Candidates will then attach the original banking/deposit slip to the tender documents as proof of purchase.
5. Completed tender documents for preliminary and technical requirements are to be enclosed in a plain envelope marked with the tender reference number and tender name. **The financial bid MUST be in a separate envelope marked with the tender reference number, tender name, vendors name and vendors contact details. The financial bid will only be opened for those bidders who will have qualified in the technical evaluation). Please note that only one complete tender document is required (Do not provide additional copies).**
6. Tenders must be delivered to the address below not later than **Friday, 22nd October 2021 at 12.00 noon** and must be accompanied by a tender security of **Kshs 87,040** in the Currency specified in the tender document in the form of a bank guarantee from a reputable bank and must be delivered with the Tender Documents in the technical bid, **(bid bonds from insurance companies will NOT be accepted)**. The tender security validity period from date of closing tender should also be indicated.
7. Tenders should be dropped at the **Amref Health Africa-KCO Small Tender Box** at the **Main Reception**. Tenders will be opened at 12 noon on the closing date in the presence of the Tenderers' representatives who choose to attend at the Amref Health Africa Large Lecture room. Electronic bidding will not be permitted. **No bids will be accepted after 12 noon on the closing day.**
8. Prices quoted should be inclusive of VAT and all other applicable taxes and must be in Kenya Shillings and shall remain valid for 90 days from the closing date of the tender. The prices in your financial quotation should be broken down as follows: (Do not key in your financial quotation in this section)
 - (i) Unit price
 - (ii) 16% VAT
 - (iii) Other applicable taxes
 - (iv) Transport Cost
 - (v) TOTAL Cost

NOTE: Global Fund grants are tax exempt. Bidders will be required to submit quotations inclusive of 16% VAT. Payment(s) to the successful bidder(s) shall be made in total exclusive of VAT and tax exemption certificate will be issued accordingly. Successful applicants shall be required to submit proforma invoice and valid tax compliance certificate upon receipt of LPO for processing of specific VAT exemption certificate.

9. Samples will **ONLY** be requested from respective vendors who shall pass mandatory requirements and will form part of the technical evaluation

SECTION 2: Instructions to Tenderers

2.1 Eligible Tenderers.

- 2.1.1 This Invitation for tender is restricted to bidders registered by the Pharmacy and Poisons Board (PPB) to provide oxygen therapy accessories Only.
- 2.1.2 Tenderers shall not be under a declaration of ineligibility for corrupt or fraudulent practices.

2.2 Cost of tendering.

- 2.2.1 The tenderer shall bear all costs associated with the preparation and submission of its bid. Amref Health Africa or its agents, will under no circumstance be responsible or liable for those costs regardless of the conduct or outcome of the tendering process.

2.3 Specific Instructions

- 2.3.1 Bidders must quote for all items and quantities as indicated in order to qualify for evaluation.
- 2.3.2 The final bound tender document must be serially paginated (All pages in the document from top page (immediately after top cover) to the last page (one before back cover) including table of content, separators, brochures, bank deposit slip and any other attachments) in a continuous ascending order from the first page to the last in this format; 1,2,3.....n where n is the last page.

2.4 Amendment of documents

- 2.4.1 At any time prior to the deadline for submission of tenders, Amref Health Africa for any reasons, whether at its initiative or in response to a clarification requested by a prospective tenderer, may modify the tender documents by amendments.
- 2.4:2 All prospective candidates that have received the tender documents will be notified of the amendment in writing or by post and will be binding on them.
- 2.4:3 In order to allow prospective tenderers reasonable time in which to take the amendment into account in preparing their tenders, Amref Health Africa at its discretion may extend the deadline for the submission of tenders.

2.5 Tender Prices and Currencies

- 2.5.1 The tenderer shall indicate on the appropriate Price Schedule, the unit prices inclusive of all taxes and the total tender price of the items proposed to be purchased under the contract.
- 2.5.2 Prices quoted by the tenderer shall be fixed during the tender validity period and not subjected to variation on any account. A tender submitted with an adjustable price quotation will be treated as non-responsive and will be rejected.
- 2.5.3 The price quoted shall be in Kenya Shillings.

2.6 Validity of Tenders

- 2.6.1 Tenders shall remain valid for 90 days after date of tender opening prescribed by Amref Health Africa, pursuant to paragraph 2.10. Tender valid for a shorter period shall be rejected by Amref Health Africa as non-responsive.
- 2.6.2 In exceptional circumstances, Amref Health Africa may solicit the tenderers consent to an extension of the period of validity. The request and the responses thereto shall be made in writing. The tenderer may refuse the request. A tenderer granting the request will not be required nor permitted to modify its tender.

2.7 Sealing and Marking of tenders

- 2.7.1 The tenderer shall seal the tender and mark it with the number and name of the tender and **“DO NOT OPEN BEFORE 12 noon on Friday, 22nd October 2021”**

2.8 Deadline for Submission of Tenders

- 2.8.1 Tenders must be received by Amref Health Africa at the address specified not later than **12 noon, on Friday, 22nd October 2021.**

2.9 Modification of Tenders

- 2.9:1 The tenderer may modify or withdraw its tender after the tender’s submission provided that written notice of the modification, including substitution or withdrawal of the tenders, is received by Amref Health Africa prior to the deadline prescribed for submission of tenders.
- 2.9:2 The tenderer modification or withdrawal notice shall be prepared, sealed, marked, and dispatched in accordance with the provisions of paragraph 2.10:1. A withdrawal notice may be sent by email but followed by a signed confirmation copy, postmarked no later than the deadline for submission of tender
- 2.9:3 No tenderer may be contacted after the deadline for submission of tenders.

2.10 Withdrawals of tender

- 2.10:1 No tender may be withdrawn in the interval between the deadline for submission of tenders and the expiration of the period of tender validity specified by the tenderer.
- 2.10.2 A bidder who withdraws its tender after the deadline for submission will forfeit its bid security deposit

2.11 Opening of tenders

- 2.11:1 Amref Health Africa will open all tenders in the presence of tenderers’ representatives who choose to attend at **12 noon, on Friday, 22nd October 2021.** and in the location specified in the tender. The tenderers or representatives who are present shall sign a register evidencing their attendance.
- 2.11:2 The tenderers’ names, tender modifications or withdrawals, and the presence or absence of requisite tender security and such other details as Amref Health Africa, at its discretion may consider appropriate, will be announced at the opening.
- 2.11:3 Amref Health Africa will prepare a tender opening report.

2.12 Clarification of tenders

- 2.12:1 To assist in the examination, evaluation and comparison of tenders Amref Health Africa, at its discretion, may ask the tenderer for a clarification of its tender. The request for clarification and the response shall be in writing, and no change in the prices or Substance of the tender shall be sought, offered, or permitted.

2.12:2 Any effort by the tenderer to influence Amref Health Africa in the tender evaluation, tender comparison or contract award decisions may result in the rejection of the tenderers' tender.

2.13 Evaluation and Comparison of tenders

2.13:1 Amref Health Africa will examine the tenders to determine whether they are complete, whether any computation errors have been made, whether required securities/tender purchase have been furnished, whether documents have been properly signed and whether the tenders are generally in order. After examination a tender that will be determined to be substantially non-responsive, will be rejected by Amref Health Africa.

2.13:2 Amref Health Africa will evaluate and compare the tenders, which have been determined to be substantially responsive.

2.13:3 Amref Health Africa will notify bidders who will be required to provide samples in good time with specific sample submission details following **finalization of the preliminary evaluation**.

2.13:4 Amref Health Africa will ensure that the submitted samples are catalogued accordingly and correspond to the assigned bid number(s). The tenderers should ensure that all their samples have been captured correctly.

2.14 Notification of Award

2.14:1 Prior to the expiration of the period of tender validity, Amref Health Africa will notify the successful tenderer in writing that the tender has been accepted.

2.14:2 Simultaneously the other tenderers shall be notified that their tenders have been unsuccessful.

2.15 Appeal Period

2.15:1 Any vendor/service provider who wishes to appeal against the outcome of the tender shall do so in writing within 3 days of the date of the notification/regret letter. Any letter received after the third day shall not be responded to and shall be treated as null and void. Amref Health Africa shall have dispensed with this procurement.

2.16 Contacting Amref Health Africa

2.16:1 No tenderer shall contact Amref Health Africa on any matter relating to its tender, from the time of the tender opening to the time the contract is awarded.

2.16:2 Any effort by a tenderer to influence Amref Health Africa in its decisions on tender evaluation, tender evaluation committee, or contract award will result in the rejection of the tenderer's tender.

2.17 Leadtime and delivery details

2.17:1 The supplier should be able to deliver the items they have quoted for as specified in this tender document.

2.17:2 The supplier should include delivery schedule with lead times.

2.17:3 On arrival the supplies should be free from damage. The supplier shall be liable for all losses due to insufficient or unsuitable packing and delivery arrangements, and shall be liable for the cost of returning any unacceptable supplies.

2.17:4 The supplies must be free from objectionable matter and any substances that would represent a hazard to health.

SECTION 3: Eligibility Requirements and Technical Specifications

Supply and delivery of Oxygen Pressure Regulators complete with flow meters and humidifiers

A: Preliminary Evaluation Criteria

Bids will be evaluated based on the below criteria.

Bids **lacking any of the documents** below will be considered as non-responsive and therefore will be eliminated at this stage.

PRELIMINARY EVALUATION OF MANDATORY REQUIREMENTS				
Mandatory Requirements				
No.	Particulars	Marks	Compliant	Non-compliant
1.	Copy of Certificate of Incorporation/Certificate of Registration	1 or 0		
2.	Copy of valid KRA Tax Compliance certificate	1 or 0		
3.	Must attach original deposit/banking slip as proof of purchase of tender documents	1 or 0		
4.	Must provide a copy of Valid and relevant business Trading License relevant to the product advertised	1 or 0		
5.	Must provide Manufacturer's certificate (if bidding as the manufacturer) or Manufacturer's authorization certificate (if not the manufacturer)	1 or 0		
6.	Must provide tender security from a reputable bank amounting to Kshs 87,040 (Original Tender security must be attached)	1 or 0		
7.	Must submit copies of 2 audited financial reports (2018 and 2019) and each must be signed by the auditor and the firms Directors	1 or 0		
8.	Must provide complete certified bank statements for 6 months (April 2021 – September 2021) (signed and stamped by the bank <i>on each and every page</i>)	1 or 0		
9.	ENSURE that all pages are sequentially paginated in the format 1,2,3 starting with 1 on top page (<i>see details of pagination and binding on sections 2.3.2 and 2.3.3 of the tender document</i>).	1 or 0		

Note: All the above documents numbered 1 to 9 should be packaged and arranged in that order under the preliminary evaluation criteria section of the tender document.

B: Technical Evaluation Criteria

Requirement	Max	Score
<p>1. <u>Detailed technical Specifications/ Description of requirements</u></p> <p>1.1 <i>Oxygen pressure regulator</i></p> <p>1.1.1 Purpose of use To reduce the pressure of medical oxygen from the high pressure gas cylinder (8,500 liters medical oxygen cylinder) to lower working pressures of about 3 to 5 bars at ambient temperature</p> <p>1.1.2 Design Constructed from brass/ stainless steel or equivalent to BS 15001:2011 Single or dual stage regulator Piston or diaphragm design Complete with inlet, outlet connection and high pressure and low pressure manometers</p> <p>1.1.3 Inlet Bull nose connection to BS 341 High pressure manometer (50-250 bars) to display available gas reserve of the gas cylinder</p> <p>1.1.4 Outlet Barb connection Low pressure manometer With flow/ pressure regulator to monitor/regulate working pressure (3-5 Bars) Flow setting up to 15 lpm variant</p> <p>1.1.5 Safety relief valve Internal safety relief valve to be included (provide brochure to support this)</p> <p>1.1.6 Standards Must comply with standards stated Provide a valid Quality Standard Certificate for a recognized certifying body as proof of compliance</p> <p>1.1.7 Regulation Must be listed in the Pharmacy and Poisons Board (PPB) of Kenya website under Oxygen and Therapy Accessories</p>	<p>15 OR 0</p>	
<p>1.2 <i>Flow meter</i></p> <p>1.2.1 Purpose For Measuring and regulating the flow of medical oxygen</p> <p>1.2.2 Construction Transparent material, Thorpe tube type to BS15001:2011. Complete with flow control knob Graduated in liters per min</p>		
<p>1.2.3 Flow rate range 0-15 lpm</p>		

1.2.4	Standards	Must comply with standards stated Provide a Valid Quality Standard Certificate from a recognized certifying body as proof of compliance
1.2.5	Regulation	Must be listed in the Pharmacy and Poisons Board (PPB) of Kenya website under Oxygen and Therapy Accessories
1.3	<i>Humidifier</i>	
1.3.1	Purpose	For increasing the humidity of oxygen being delivered into the inspiratory airway
1.3.2	Construction	Consisting of graduated bottle container with detachable lid and a tube protruding to the bottom level and connected to the breathing circuit. The graduation on the bottle shall be in metric and imperial units and shall show the maximum and minimum water level. The bottle shall be constructed from transparent/translucent material to BS15001:2011 and shall be unbreakable and easily disinfected and reusable.
1.3.3	Type	The humidifier shall be non-heated / bottle through humidifier type
1.3.4	Inlet	Flow meter connection
1.3.5	Outlet	Barbed patient breathing circuit
1.3.6	System valve	It shall incorporate a pressure relief safety valve
1.3.7	Capacity	Capacity shall not be less than 150 mls or exceed 300 mls
1.3.8	Standards	Must comply with standards stated Provide a valid Quality Standard Certificate from a recognized certifying body as proof of compliance
1.3.9	Regulation	Must be listed in the Pharmacy and Poisons Board (PPB) of Kenya website under Oxygen and Therapy Accessories

Submission of sample: Bidders who meet the mandatory requirements will be given five (5) days notice to submit a sample of one (1) oxygen pressure regulator complete with a flow meter and humidifier for evaluation.

Provide proof of supply of Oxygen Supply Related Accessories in the recent past – 2018 to date (Purchase orders and/or contracts) <ul style="list-style-type: none"> • Orders below Kshs 500,000 - 2mks • Above Kshs 500,000 upto Kshs 1M- 5mks • Above Kshs. 1M - 10mks 	10	
TOTAL	25	
Only bidders who will score 80% shall proceed to the next stage of evaluation		

Note: Bidders who will not meet the passmark above will be considered non-responsive and will not proceed to the next stage of evaluation.

SECTION 4: Confidential Business Questionnaire

You are requested to give the particulars indicated in part 1 and either part 2(a), 2(b) or 2(c) whichever applies to your type of business.

PART 1- GENERAL

Business Name

Location of Business premises:
Country/Town.....

Postal Address

Code Town.....

Tel No.....

E-mail Fax

Nature of Business

Part 2 (a) – INDIVIDUALS

Your Name in full

Nationality Country of Origin

Citizenship details

PART 2 (b) – PARTNERSHIP

Name	Nationality	Citizenship Details	Shares
1.
2.
3.

PART 2 (c) – REGISTERED COMPANY

Private or Public

State the nominal and issue capital of the company.....

Nominal Ksh

Issued Ksh

Give details of all directors as follows:

Name	Nationality	Citizenship Details	Shares
1.
2.
3.

SECTION 5: Tender security form

Tender no. Amref

PURCHASE OF PERSONAL PROTECTIVE EQUIPMENTS AND RELATED ITEMS

To: Amref Health Africa

WHEREAS *[insert: name of Tenderer]* (hereinafter called “the Tenderer”) has submitted its tender dated *[insert: date of tender]* for the performance of the above-named Contract (hereinafter called “the Tender”)

KNOW ALL PERSONS by these present that WE *[insert: name of bank]* of *[insert: address of bank]* (hereinafter called “the Bank”) are bound unto *[insert: name of Purchaser]* (hereinafter called “the Purchaser”) in the sum of: *[insert: amount]*, for which payment well and truly to be made to the said Purchaser, the Bank binds itself, its successors and assigns by these presents.

Sealed with the Common Seal of the said Bank this *[insert: number]* day of *[insert: month]*, *[insert: year]*.

THE CONDITIONS of this obligation are the following:

1. If, after the tender submission deadline, the Tenderer
 - i. withdraws its tender during the period of tender validity specified by the Tenderer in the Tender Form, or
 - ii. does not accept the Purchaser’s corrections of arithmetic errors in accordance with the Instructions to Tenderers; or
 - iii. does not at all reply to the Purchaser’s requests for clarification

2. If the Tenderer, having been notified of the acceptance of its tender by the Purchaser during the period of tender validity
 - (a) fails or refuses to sign the Contract Agreement when required; or
 - (b) Fails or refuses to issue the performance security in accordance with the Instructions to Tenderers.

We undertake to pay to the Purchaser up to the above amount upon receipt of its first written demand, without the Purchaser having to substantiate its demand, provided that in its demand the Purchaser will note that the amount claimed by it is due it, owing to the occurrence of any one of the two above-named CONDITIONS, and specifying the occurred condition or conditions.

This guarantee will remain in full force up to and including *[insert: the date that is 90 days after the period of tender validity]*, and any demand in respect thereof must reach the Bank not later than the above date.

Note: A bidder who withdraws its tender after the deadline for submission will forfeit its bid security deposit

For and on behalf of the Bank

Signed: _____ Date: _____

SECTION 6: Manufacturer’s Authorization Form

(Must be on Manufacturer’s or Producer’s letterhead)

To. Amref Health Africa,
Opposite Langata Primary School,
P.O Box 30125-00100
Nairobi, Kenya

Dear Sirs,

WHEREAS [*insert: name of the manufacturer or producer*] (hereinafter, “we” or “us”) who are established and reputable manufacturers or producers of [*insert: name and/or description of the Goods requiring this authorization*] (hereinafter, “Goods”) having production facilities at [*insert: address of factory*] do hereby authorize [*insert: name and address of Tenderer*] (hereinafter, the “Tenderer”) to submit a tender, and subsequently negotiate and sign the Contract with you against [*insert: the specific tender name and lot number*] For supply of personal protective equipment and related items, including the above Goods produced by us.

We hereby extend our full guarantee and warranty for the above specified Goods against these tender documents.

For and on behalf of the Manufacturer or Producer

Signed: _____

Date: _____

In the capacity of [*insert: title, position, or other appropriate designation*] and duly authorize to sign this Authorization on behalf of [*insert: name of manufacturer or producer*]

NOTE: Manufacturer’s Authorization must be ON LETTER HEAD and addressed to Amref Health Africa and must be specific to the tender and item and signed by an authorized signatory. - MANDATORY

SECTION 7 References

BANK REFERENCES	
BANK HOLDING MAIN ACCOUNT	
Bank name and address	
Name of account	
Account number	How long open?

COMMERCIAL REFERENCES	
Provide names and contract details of two customers who may be approached to verify your capacity to perform against similar contracts.	
INTERNATIONAL TRADE REFERENCE – CUSTOMER 1	
Name and address	
Activity	Period of relationship
Contact name	Fax no.
Telephone No.	
INTERNATIONAL TRADE REFERENCE – CUSTOMER 2	
Name and address	
Activity	Period of relationship
Contact name	Fax no.
Telephone No.	

SECTION 8 Delivery schedule of goods

DESCRIPTION	QTY	UNIT OF MEASURE	DELIVERY LOCATION	Lead time
Supply and delivery of Oxygen pressure regulators complete with flow meter and humidifiers	100	Number	Delivery point shall be to Amref Health Africa in Kenya premises (Nairobi) for inspection and testing The distribution list shall be provided by the project manager	4 - 6 weeks

PART B: FINANCIAL REQUIREMENTS

PLEASE PROVIDE THIS IN A DIFFERENT ENVELOPE

SECTION 1 Price schedule

TENDERERS NAME	SPECIFICATIONS	TENDER NUMBER	QTY	UNIT PRICE	VAT	TOTAL	REMARKS
	TOTAL						

SECTION 2 Delivery leadtime

TENDERERS NAME	SPECIFICATIONS	TENDER NUMBER	QTY	DELIVERY LEAD TIME	REMARKS
	TOTAL				

Note. In case of discrepancy between the unit price and total, the unit price shall prevail.

Currency	GRAND TOTAL BID PRICE	In Figures
		In Words
Bidder's Name and Address	Date	Signature and Stamp

Note: Indicate breakdown of all taxes.

DECLARATION

I/We have completed this form (s) accurately at the time of reply and it is agreed that all responses can be substantiated, if requested to do so, and that any inaccuracy in the information filled herein will lead to disqualification of the tenderer.

For and behalf of:

Name:

Date: Signature

DELIVERY COMMITMENT FORM

I/We [*insert: tenderes name*] acknowledge the delivery schedule above for the procurement of [*insert: description and the lot number*] and do hereby commit ourselves that we shall deliver these goods within [*insert: timelines*] as stipulated in this tender document.

For and behalf of:

Name:

Date: Signature

ANNEX 1 Evaluation Criteria

PART A

- A. Preliminary Evaluation
- B. Technical Evaluation
 - Documents Examination
 - Product Evaluation

PART B

- Financial Evaluation & Delivery lead time evaluation

ANNEX 2 Stages of Tender and Evaluation Criteria

A. Preliminary Evaluation

Tenderers are required to comply with the following;

- Bids will be evaluated based on the below criteria.
- Bids **lacking any of the documents** below will be considered as non-responsive and therefore will be eliminated at this stage.

PRELIMINARY EVALUATION OF MANDATORY REQUIREMENTS				
Mandatory Requirements				
No.	Particulars	Marks	Compliant	Non-compliant
1.	Copy of Certificate of Incorporation/Certificate of Registration	1 or 0		
2.	Copy of valid KRA Tax Compliance certificate	1 or 0		
3.	Must attach original deposit/banking slip as proof of purchase of tender documents	1 or 0		
4.	Must provide a copy of Valid business Trading License relevant to the product advertised	1 or 0		
5.	Must provide Manufacturer's certificate (if bidding as the manufacturer) or Manufacturer's authorization certificate (if not the manufacturer)	1 or 0		
6.	Must provide tender security from a reputable bank amounting to Kshs 87,040 (Original Tender security must be attached)	1 or 0		
7.	Must submit copies of 3 audited financial reports (2017, 2018 and 2019) and each must be signed by the auditor and the firms Directors	1 or 0		
8.	Must provide complete certified bank statements for 6 months (April 2021 – September 2021) (signed and stamped by the bank <i>on each and every page</i>)	1 or 0		
9.	ENSURE that all pages are sequentially paginated in the format 1, 2,3 starting with 1 on top page (<i>see details of pagination and binding on sections 2.3.2 and 2.3.3 of the tender document</i>).	1 or 0		

Note: All the above documents numbered 1 to 9 should be packaged and arranged in that order under the preliminary evaluation criteria section of the tender document.

B. Technical Evaluation

- Documents Examination

- ✓ Provide laboratory test report and certificate from KEBS or an equivalent to confirm the above.
 - ✓ Only bidders who will score 80% shall proceed to the next stage of evaluation
 - ✓ Bidders who will not meet the passmark above will be considered non-responsive and will not proceed to the next stage of evaluation.
- ✓ **Product Evaluation**
- ✓ The technical evaluation will involve the product evaluation (samples) according to the test report provided **KEBS or an equivalent**, packaging evaluation and labeling evaluation.
 - ✓ Evaluation will be on a “Yes or No” basis.

PART B

- Financial Evaluation & Delivery lead time evaluation
 - ✓ Tenderers who are successful at preceding stages will have their prices and delivery period compared and award recommended to the lowest evaluated responsive bid.
 - ✓ Amref reserves the right to select several suppliers for award of the lots listed as it may deem fit.